

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH WRIGHT, on his own behalf and
on behalf of other similarly situated persons,

Plaintiff,

V.

LYFT, INC., a Delaware Corporation,

Defendants.

Case No. 2:14-cv-00421-BJR

**ORDER GRANTING STIPULATED
MOTION TO CERTIFY QUESTIONS TO
THE WASHINGTON SUPREME COURT**

This matter came before the Court on the Stipulated Motion to Certify Questions to the Washington Supreme Court. Having considered the motion, the papers filed in support of the motion, and the files and records herein, the Stipulated Motion to Certify Questions to the Washington Supreme Court is GRANTED and the following issues are hereby certified to the Washington Supreme Court under RCW 2.60.020:

1. Does the recipient of a text message that violates the Consumer Electronic Mail Act, Ch. 19.190 RCW (“CEMA”), have a private right of action for damages (as opposed to injunctive relief) directly under that statute?

**ORDER GRANTING MOTION TO CERTIFY LEGAL QUESTIONS TO
THE WASHINGTON SUPREME COURT**

- 1 2. Does the liquidated damages provision of CEMA, RCW
2 19.190.040(1), establish the causation and/or injury elements of
3 a claim under the Washington Consumer Protection Act, Ch.
4 19.86 RCW (“CPA”), as a matter of law or must the recipient of
5 a text message that violates CEMA first prove injury in fact
6 before he or she can recover the liquidated damage amount?
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10 DATED this 16th day of February, 2017.

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Barbara Jacobs Rothstein
U.S. District Court Judge

21 Presented by:

22 /s/ Donald W. Heyrich
23 Donald W. Heyrich, WSBA #23091

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30 Attorneys for Plaintiff

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2 **CERTIFICATE OF SERVICE**
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9 The undersigned attorney certifies that on the 9th day of February, 2017, I electronically
10 filed the foregoing with the Clerk of the Court using the CM/ECF system which will send
11 notification of such filing to all counsel on record in the matter.
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14 */s/ Donald W. Heyrich*
15 Donald W. Heyrich, WSBA #23091
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